

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
AARON ABADI

Plaintiff,

-v.-

NYU LANGONE HEALTH SYSTEM,

Defendant.
-----X

:

:

:

:

:

:

ORDER

21 Civ. 11073 (RA) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

The motion to amend (Docket # 47) is denied because, among other reasons, it fails to attach a copy of the proposed amended complaint. See S.M. v. Oxford Health Plans (N.Y.), Inc., 94 F. Supp. 3d 481, 515 (S.D.N.Y. 2015) (“It is well-settled that when seeking leave to amend, the movant must submit ‘a complete copy of the proposed amended complaint ... so that both the Court and the opposing party can understand the exact changes sought’”).

With regard to the application to request counsel (Docket # 49), the Court has applied the factors set forth in Cooper v. A. Sargenti Co., 877 F.2d 170 (2d Cir. 1989). The Court denies the request on the ground that the application together with the other papers filed in this action do not at this time demonstrate that plaintiff’s claim is likely to be of sufficient substance to warrant seeking volunteer counsel. In addition, the case is not of such a character that plaintiff will be unable to address relevant facts or deal with other issues that may be expected to be raised. The Court notes that attorney’s fees are available for claims such as plaintiff’s, thus providing readily available counsel in cases that are perceived by counsel to be meritorious. The Court will seek the appointment of counsel without further request by plaintiff if future review of this matter demonstrates that the appointment of counsel is warranted.

As to the application regarding discovery (Docket # 48), the application is denied in its present form. Plaintiff should read paragraph 2.A of the Court’s Individual Practices. Plaintiff and counsel should go through the requests so that plaintiff understands counsel’s position as to each point in dispute. If agreement cannot be reached, plaintiff may send a new letter addressed to the undersigned as explained in the Court’s Order of August 30, 2022 (Docket # 36). Any new letter must set forth each discovery request and each response verbatim, an explanation of what was stated in the discussion between the parties, and plaintiff’s explanation as to why the defendants’ position is wrong. See Local Civil Rule 37.1.

Plaintiff is reminded that the New York Legal Assistance clinic ((212) 659-6190) may be available to provide him with legal assistance.

SO ORDERED.

Dated: May 16, 2023
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge